

REMARKS

In the Office Action of January 5, 2007, the Examiner rejected claims 1-9, 11-19, and 21-19 under 35 U.S.C. § 102(a) as anticipated by “Java Machine Profiler Interface (JVMPI)” (i.e., Appendix A of the specification) and also rejected those claims under 35 U.S.C. § 102(f) for not being attributed to the correct inventive entity. The Examiner alleged on page 3 of the Office Action that the Declaration Under 37 C.F.R. § 1.132 filed on October 23, 2006 is insufficient to overcome the rejection of claims 1-9, 11-19, and 21-29 under 35 U.S.C. § 102(a) because only one of the inventors, Mr. Sheng Liang, has signed the Declaration.

In the Advisory Action of April 27, 2007, the Examiner (1) requested that Applicants submit an affidavit establishing that Applicants have made a good faith attempt to locate the inventor Mr. Steffan Grarup, to sign the Declaration Under 37 C.F.R. § 1.132 filed on October 23, 2006, and (2) objected to Appendix A of the specification for not being in compliance with M.P.E.P § 608.05 regarding computer programs.

By this Amendment, Applicants amends the specification and submits a replacement Appendix A of the specification. Claims 1-38 are pending. The Examiner has previously withdrawn claims 10, 20, and 30-38 from consideration.

DECLARATION UNDER 37 C.F.R. § 1.132

Attached herewith is a Declaration Under 37 C.F.R. § 1.132 by Mr. Steffen Grarup. Applicants were able to locate Mr. Grarup after significant additional effort. In his Declaration, Mr. Grarup confirms that the Declaration Under 37 C.F.R. § 1.132 executed by Mr. Sheng Liang on October 10, 2006, is accurate and true. Specifically,

Mr. Grarup confirms that Mr. Liang authored Appendix A of the specification, and that to the extent Appendix A describes the invention(s) in this application, Mr. Liang and he are the inventors.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-9, 11-19, and 21-19 under 35 U.S.C. §§ 102(a) and (f) because the Applicants have declared that Appendix A is describing the work of the Applicants. *See Declaration Under 37 C.F.R. 1.132* filed on October 23, 2006, and *Declaration Under 37 C.F.R. 1.132* filed concurrently herewith.

REPLACEMENT APPENDIX A

The attached replacement Appendix A removes computer program code in Appendix A of the specification and replaces the removed program code with references to the corresponding file and sections containing the program code in the compact disc filed concurrently herewith. Applicants have also amended the specification to incorporate-by-reference the contents of the compact disc. Accordingly, the objection to Appendix A of the specification for not being in compliance with M.P.E.P § 608.05 regarding computer programs is deemed overcome.

CONCLUSION

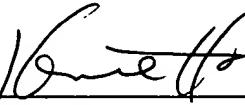
Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner. The entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 19, 2007

By: 

Kenie Ho
Reg. No. 51,808

Attachments:

Declaration Under 37 C.F.R. § 1.132

Replacement Appendix A